

IN THE KENTUCKY PUBLIC SERVICE COMMISSION

IN RE: INVESTIGATION:

Case No. 2003-00433
AN ADJUSTMENT OF THE GAS AND ELECTRIC RATES,
TERMS, AND CONDITIONS OF LOUISVILLE GAS AND
ELECTRIC COMPANY

and

Case No. 2003-00434
AN ADJUSTMENT OF THE ELECTRIC RATES, TERMS, AND
CONDITIONS OF KENTUCKY UTILITIES COMPANY

* * *

SWORN STATEMENT

Of

MIGUEL SANCHEZ

AUGUST 5, 2005

received
8/15/05

ELLEN L. COULTER, RPR
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A P P E A R A N C E S

SPECIAL GENERAL COUNSEL TO THE PUBLIC SERVICE
COMMISSION:

JONATHAN D. GOLDBERG
Goldberg & Simpson
3000 National City Tower
101 South Fifth Street
Louisville, Kentucky 40202

1 The sworn statement of MIGUEL SANCHEZ,
2 taken telephonically in the offices of the Public
3 Service Commission, 211 Sower Boulevard, Frankfort,
4 Kentucky, on Friday, the 5th day of August, 2005, at
5 approximately 12:05 p.m.

6
7 EXAMINATION

8
9 BY MR. GOLDBERG:

10 Q. Good morning, sir. Could I ask you to
11 state your full name, please.

12 A. My name is Miguel Sanchez.

13 Q. All right, sir. And your business
14 address?

15 A. Business address is North American
16 Stainless, 6470 Highway 42 East.

17 Q. All right, sir. I take it you are
18 employed by North American Stainless.

19 A. That is correct.

20 Q. And what is your -- what are your job
21 duties at North American Stainless?

22 A. Currently the maintenance manager.

23 Q. All right, sir. How long have you
24 been maintenance manager at North American Stainless?

25 A. About -- about six months now, but

1 I've been maintenance related and new installation
2 related for a long time.

3 Q. How long have you worked at North
4 American Stainless at the Ghent, Kentucky facility?

5 A. Since 1996.

6 Q. All right, sir. I want to take you
7 back to last year -- well, actually, let's go back to
8 the fall of 2003, and let's call it September 1st,
9 2003. What -- what were your job duties at North
10 American Stainless as of that point in time?

11 A. Well, I was coordinating maintenance
12 and new installation work and -- related with all the
13 electrical projects and -- and -- yeah, the matters
14 related to our electricity supply fall under my
15 responsibilities.

16 Q. Would the relationship with KU as your
17 electrical supplier fall under your responsibility?

18 A. Yes, that's right.

19 Q. Okay. And who did you report to?

20 A. I report to the vice president of
21 operations and the president.

22 Q. All right, sir. Who was the vice
23 president of operations?

24 A. Cristobal Fuentes.

25 Q. Christopher [sic] Fuentes?

1 A. Yes.

2 Q. All right, sir. Going back to
3 September of 2003, I take it that North American
4 Stainless became unhappy with the rates it was being
5 charged by KU. Am I correct?

6 A. Yeah, that's -- that's right.

7 Q. Okay. And did you participate in
8 discussions about the rates dealing -- the KU rates
9 with Mr. Adams and outside counsel for North American
10 Stainless?

11 A. Yes, I participated.

12 Q. All right, sir. And I take it that
13 you participated at the time a complaint was filed
14 with regard to these electrical rates charged by KU
15 with the Public Service Commission in September of
16 2003. Did you participate in that decision?

17 A. Yes, yes.

18 Q. Okay. Now, it's my understanding that
19 subsequent to September of 2003, KU filed a request
20 for a new tariff shortly after the complaint was
21 filed by North American Stainless. Do you have a
22 recollection of that?

23 A. Yes. I think that is -- that is
24 correct.

25 Q. All right, sir. Do you have a

1 recollection of -- in November of 2003 being advised
2 that both KU and LG&E were going to seek a rate
3 increase?

4 A. Well, I'm not sure about the dates,
5 but, yeah, they -- they were in that -- in that
6 point.

7 Q. All right. And would -- do I
8 understand that you would have a recollection that it
9 was in the same year that North American Stainless
10 filed its complaint against KU?

11 A. Yeah, yeah, that's right.

12 Q. Okay.

13 A. Yes.

14 Q. And do you have a recollection that
15 sometime in the spring, early spring of 2004 that the
16 Public Service Commission consolidated the North
17 American Stainless complaint and the tariff with
18 the -- with the rate cases filed by KU and LG&E? Do
19 you recall that?

20 A. Yes, I recall all that. I'm not sure
21 the details. I will have to look into papers, but
22 I'm sure you're right.

23 Q. All right, sir.

24 A. Yeah.

25 Q. Now, tell me what Miguel Sanchez's

1 responsibility was with regard to the cases filed at
2 the Public Service Commission.

3 A. Well, as long as we are -- I hear like
4 an echo or something.

5 Q. Yes, sir. I've got you on a speaker
6 box so that both Ms. Coulter and I can hear you at
7 the same time.

8 A. I had the impression that you were
9 talking at the same time, so I just stopped.

10 Q. Oh, okay. I'm sorry. What I asked
11 you was your responsibility with regard to the
12 complaint and the rate cases.

13 A. Yeah. Well, I was just the
14 representative of North American Stainless and in
15 that -- in that case. And my responsibilities was to
16 inform what was going on on the -- on this rate case
17 and -- from the technical standpoint. The same way
18 we have the counsel from a legal standpoint, well, I
19 was representing the technical standpoint.

20 Q. Were you participating with the
21 lawyers supplying them information? Was that one of
22 your responsibilities?

23 A. Say it again, please.

24 Q. Were you participating with the
25 lawyers by providing them technical information?

1 A. Yes, yes.

2 Q. Okay. Was that your main
3 responsibility?

4 A. What, sir?

5 Q. Supplying information to the lawyers?

6 A. Yes, yes, that's right.

7 Q. Okay. And do I take it you were also
8 reporting back to management at North American
9 Stainless as to the progress of the case?

10 A. Yes. That's correct.

11 Q. Okay. Any other functions that you
12 served other than those two?

13 A. That -- that was all.

14 Q. Okay. Fair enough.

15 A. Mm-hmm.

16 Q. Now, did you -- in your role
17 representing North American Stainless, did you have
18 occasion to communicate with any of the staff members
19 at the Public Service Commission prior to the spring
20 of 2004 when the case got consolidated?

21 A. Well, I never -- I never talked to any
22 of these -- of the staff member.

23 Q. Okay. Never at any time?

24 A. Well, yes, we had talked to some of
25 the staff members, but it's an unrelated thing. I

1 mean, I remember we have a meeting. I was with Nat
2 Adams. We went to see Tom Dorman and -- to seek for
3 information how to proceed with the contract that we
4 have with KU. That was way before that.

5 Q. Right. That was in the summer of
6 2003.

7 A. But not -- not in that spring time
8 where the rate case was going on, no, I never talked
9 to them.

10 Q. All right, sir. Other than the
11 conversation with Mr. Dorman, which was in the summer
12 of 2003 before North American Stainless filed its
13 complaint, did you ever have any other
14 conversations --

15 A. No.

16 Q. -- with the staff?

17 A. No. I never talked to the staff, no.

18 Q. All right, sir. And that's at any
19 time during any of this process. Am I correct?

20 A. Yeah, you're -- you're correct.

21 Q. All right, sir. Now, let me ask you
22 that same question with regard to the commission
23 members. Did you ever have any conversation with any
24 of the commission members?

25 A. No.

1 Q. Okay. And just so that you and I are
2 clear, let me give you the names of the commission
3 members and have you indicate to me on an individual
4 basis whether you ever had any conversations with
5 them about the rate cases or about North American
6 Stainless.

7 A. Okay.

8 Q. The chairman, Mark David Goss.

9 A. No, I never met him.

10 Q. Okay. Ms. Ellen Williams.

11 A. I never met with her either.

12 Q. Okay. Mr. Marty Huelman.

13 A. I never talked to him.

14 Q. All right. Mr. Gary Gillis.

15 A. I don't -- I don't know him.

16 Q. All right, sir. And finally Mr. Bob
17 Spurlin, S-P-U-R-L-I-N.

18 A. No, I have never talked to him.

19 Q. All right. Now, with regard to the
20 rate cases and North American Stainless, did you come
21 to Frankfort to participate in the hearings in the
22 spring of 2004?

23 A. Yes, yes, I was there.

24 Q. Okay. Did you come to all of the
25 various hearings at the Public Service Commission?

1 And let me give you some dates when the hearings
2 were. There was an informal conference on April the
3 28th, 2004, and then there were actual hearings on
4 May 4, 5 and 6 and also on -- a proceeding on May the
5 12th. Did you --

6 A. Well, I went to the commission -- when
7 I went to the commission, I'm not sure about the
8 dates, okay?

9 Q. All right, sir.

10 A. But to a -- to an actual hearing, I
11 don't recall if I went to a hearing. I know if I was
12 sitting on that -- I could not -- I've been there --
13 I've been there -- I could not respond exactly what
14 date I was there or wasn't or what day I was not, you
15 know.

16 Q. All right. But it was clear that you
17 had no communications with the staff or the
18 commissioners on any of those days.

19 A. Yeah, that was clear. I never talked
20 to them, yeah.

21 Q. Okay. Now, let me ask you -- this is
22 my final question -- did you ever witness any conduct
23 that you thought was either inappropriate or what we
24 call collusive behavior at any time as it related to
25 the staff or the commissioners?

1 A. I never witnessed anything like that.

2 MR. GOLDBERG: All right, sir. I
3 appreciate it. Mr. Sanchez, thank you very much for
4 giving us your time.

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6 (STATEMENT CONCLUDED AT 12:15 P.M.)

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1 STATE OF KENTUCKY)
2 COUNTY OF JEFFERSON)
3 SS:

4 I, ELLEN L. COULTER, Notary Public,
5 State of Kentucky at Large, hereby certify that the
6 foregoing sworn statement was taken at the time and
7 place stated in the caption; that the appearances
8 were as set forth in the caption; that prior to
9 giving testimony the witness was first duly sworn by
10 me; that said testimony was taken down by me in
11 stenographic notes and thereafter reduced under my
12 supervision to the foregoing typewritten pages and
13 that said typewritten transcript is a true, accurate
14 and complete record of my stenographic notes so
15 taken.

16 I further certify that I am not
17 related by blood or marriage to any of the parties
18 hereto and that I have no interest in the outcome of
19 captioned case.

20 My commission as Notary Public expires
21 November 5, 2007.

22 Given under my hand this the 11th
23 day of August, 2005, at Louisville,
24 Kentucky.

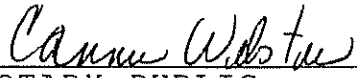
25

ELLEN L. COULTER
NOTARY PUBLIC

1 I, the undersigned, MIGUEL SANCHEZ, do
2 hereby certify that I have read the foregoing sworn
3 statement, and that, to the best of my knowledge,
4 said sworn statement is true and accurate, with the
5 exception of the corrections, if any, listed on the
6 errata sheet.

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MIGUEL SANCHEZ

Subscribed and sworn to before me this 29th
day of September, 2005.


NOTARY PUBLIC

My commission expires 9/15/09



COULTER REPORTING, LLC
101 EAST KENTUCKY STREET, SUITE 200
LOUISVILLE, KY 40203

ERRATA SHEET

NAME MICHAEL SANCHEZ DATE OF DEPOSITION 8/5/05

After having read my deposition, I wish to make the following changes:

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